

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**ELLA CAINE, NISHA DHUNGANA SILWA, §
JOSEPHINE OGATO, SHANTORIA §
MOORE, FRANKLIN OKOH, CHYRSTAL §
JEFFERSON, NARGAS SAYED, SHARAM §
DALAWY, KRISTY ABERCROMBIE, §
DARNIQUE ADAMS, DANIELLE GRANT, §
KARAM DALAWY, ROLONDA MOORE, §
SHARON FERGUSON, NHU TRAN, §
ALYSSA DAVILA, ADRIAN JONES, §
ALISHA TERRY, AND MARI ISABEL, §
v. §**

CIVIL ACTION NO. 3:22-cv-01713

**EDUVISION, INC. (D/B/A ARIZONA
COLLEGE OF NURSING - DALLAS; AZC
EDUCATION, INC.; ARIZONA COLLEGE
DALLAS)**

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE:

Defendant Eduvision, Inc. (d/b/a Arizona College off Nursing – Dallas; AZC Education, Inc.; Arizona College Dallas) (the “Defendant”) – pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446 – files this Defendant’s Notice of Removal (the “Notice”) to the United States District Court for the Northern District of Texas, Dallas Division, based on diversity of citizenship and respectfully shows:

**I.
FACTUAL BACKGROUND**

1.1 On May 13, 2022, Ella Caine *et al.* (together, the “Plaintiffs”) filed their Plaintiffs’ Original Petition (the “Petition”) initiating Cause No. DC-22-05135, styled *Ella Caine et. al. vs. Eduvision, Inc. (d/b/a Arizona College off Nursing – Dallas; AZC Education, Inc.; Arizona College Dallas)*, which is currently pending in the 14th District Court of Dallas County, Texas. In their Petition, Plaintiffs allege causes of action against Defendant for breach of contract, violations of

the Texas Deceptive Trade Practices – Consumer Protection Act, fraud and fraud in the inducement, promissory estoppel, unjust enrichment, conversion, violations of the Texas Theft Liability Act, and money had and received. By their claims, Plaintiffs seek damages exceeding \$1,000,000.00. *See* Petition at 2, ¶1.

1.2 On July 12, 2022, Defendant was served with process through its registered agent. This Notice is being filed within 30 days of such service and, therefore, is timely under 28 U.S.C. § 1446(b)(1). Concurrently with this Notice, Defendant is filing the documents required by Local Rule 81.1.

II. BASIS FOR REMOVAL

2.1 As stated above, Defendant is filing this Notice within 30 days of being served with the Petition, as required by 28 U.S.C. § 1446(b)(1).

2.2 Removal is proper based upon diversity of citizenship under 28 U.S.C. § 1332. Under that statute, federal courts have original jurisdiction over controversies between citizens of different states if the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. 28 U.S.C. § 1332(a).

A. THE PARTIES ARE OF DIVERSE CITIZENSHIP

2.3 In their Petition, Plaintiffs allege that they are and were, at all times material to their lawsuit, citizens of Texas. *See* Petition at 2, ¶ 2.

2.4 For purposes of 28 U.S.C. §§ 1332 and 1441, “a corporation [*e.g.*, Defendant] shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business....” 28 U.S.C. § 1332(c)(1). Defendant is a Missouri corporation that is authorized to do business in Texas, and Defendant’s

principal place of business is in Arizona.

2.5 The parties are completely diverse for purposes of diversity jurisdiction because (a) Plaintiffs are and were, at all material times, citizens of Texas and (b) Defendant is and was a citizen of Missouri and Arizona.

**III.
THIS NOTICE IS PROCEDURALLY CORRECT**

3.1 Defendant was served with process on July 12, 2022. This Notice is being filed within the 30-day period prescribed by 28 U.S.C. § 1446(b)(1).

3.2 Venue is proper in this District and Division under 28 U.S.C. § 1446(a) because this District and Division include the county in which the state court action has been pending.

3.3 In accordance with 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendant (or available via the Dallas County District Clerk's website) are attached to this Notice.

3.4 In accordance with 28 U.S.C. § 1446(d), promptly after filing this Notice, Defendant will (a) give written notice of this filing to Plaintiffs' counsel and (b) file a copy of this Notice with the Dallas County District Clerk.

**IV.
CONCLUSION**

4.1 Based upon the foregoing, Defendant hereby removes this case to this Court.

*[INTENTIONALLY BLANK –
SIGNATURE BLOCK AND
CERTIFICATE OF SERVICE FOLLOW]*

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Charles W. Settle, Jr.

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(D/B/A ARIZONA COLLEGE OF
NURSING - DALLAS; AZC EDUCATION,
INC.; ARIZONA COLLEGE DALLAS)**

CERTIFICATE OF SERVICE

I hereby certify that I served this Notice on Plaintiffs' counsel via a manner prescribed by the Federal Rules of Civil Procedure and the Texas Rules of Civil Procedure on August 8, 2022.

/s/ Charles W. Settle, Jr.

Charles W. Settle, Jr.